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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

SMITHKLINE BEECHAM CORPORATION,)
 d/b/a GLAXOSMITHKLINE,)
 Plaintiff,)
 vs.)
 ABBOTT LABORATORIES,)
 Defendant.)

Case No. C 07-5702 CW

Related by Order to:

Case No. C-04-1511 CW

**ORDER GRANTING STIPULATION
 EXTENDING MOTION TO COMPEL
 DEADLINES RELATING TO CERTAIN
 FACT DISCOVERY ISSUES**

The Honorable Judge Wilken

1 WHEREAS, the parties completed fact discovery on February 27, 2009, with the exception
2 of certain issues for which this Court has extended the discovery deadline in its Orders dated
3 February 25, 2009 (Dkt. 130), March 13, 2009 (Dkt. 142), March 17, 2009 (Dkt. 147), March 20,
4 2009 (Dkt. 150), and April 29, 2009 (Dkt. 159);

5 WHEREAS, the current deadline for motions to compel relating to written discovery
6 served in January 2009 by Abbott Laboratories ("Abbott") on GlaxoSmithKline ("GSK"), and by
7 GSK on Abbott, as set out in the April 29, 2009 Order, is May 14, 2009;

8 WHEREAS, the current deadline for motions relating to Abbott's Notice of 30(b)(6)
9 Deposition, as set out in the April 29, 2009 Order, is May 14, 2009;

10 WHEREAS, the current deadline for motions to compel relating to certain enumerated
11 potential deficiencies relating to each party's production of documents, as set forth in the April 29,
12 2009 Order, is May 14, 2009.

13 WHEREAS, the parties are continuing to discuss resolutions to their disputes concerning
14 the discovery referenced herein, and an additional, modest extension will hopefully allow the
15 parties to resolve any disagreements without being forced to seek this Court's intervention;

16 WHEREAS, in light of the Court's March 18, 2009 Order staying this case pending a
17 decision by the panel of the Ninth Circuit Court of Appeals of Abbott's interlocutory appeal in a
18 related case, a brief extension will not affect the other scheduled dates previously set by this Court
19 (including expert discovery, summary judgment, and trial).

20 **IT IS HEREBY STIPULATED AND AGREED:**

21 1. GSK and Abbott agree that any motion to compel relating to the parties' responses
22 to interrogatories served in January 2009 by the other party to this stipulation shall be filed by
23 May 21, 2009; and that any such motion should be initially filed in the form of a 2-page letter
24 brief before Judge Zimmerman.

25 2. Abbott and GSK have each identified potential deficiencies related to the other
26 parties' production of documents set forth in the enumerated topics contained in Joshua Y. Karp's
27 March 10, 2009 letter and Michael Bhargava's March 10, 2009 letter. The parties agree that any
28 motion to compel, or for a protective order, relating to the issues identified in this paragraph shall

1 be filed by May 21, 2009; and that any such motion should be initially filed in the form of a 2-
2 page letter brief before Judge Zimmerman.

3 3. The parties will continue to work together to attempt to resolve issues concerning
4 Abbott's Notice of 30(b)(6) Deposition and to agree upon mutually convenient dates for the GSK
5 witness(es) to be designated under Rule 30(b)(6) as soon as possible in May or June 2009. Any
6 motion regarding the 30(b)(6) Notice should be initially filed in the form of a 2-page letter brief
7 before Judge Zimmerman on or before May 21, 2009. If GSK files such a motion and Judge
8 Zimmerman allows the deposition to proceed, the parties will work together to provide mutually
9 convenient dates for the GSK witness(es) designated under Rule 30(b)(6) as soon as possible in
10 May or June 2009.

11 4. Nothing in this stipulation shall expand the parties' rights to seek relief by the
12 Court on any discovery issue, except as set forth herein or in the Court's Orders of February 25,
13 2009, March 13, 2009, March 17, 2009, March 20, 2009, and April 29, 2009.

1 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:**

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3
4 /s/ Trevor Stockinger
Trevor Stockinger
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5 1800 Avenue of the Stars, Suite 900
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6 *Attorney for GSK*

/s/ Matthew Campbell
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9 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

10
11 5/18/09

12 Dated: _____



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Judge Claudia Wilken
15 United States District Court
Northern District of California
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